IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 13986 of 2005

Between:

1 Kandanelli Arundamma W/o Late K. Ramulu
R/o 6-4-82, Nagareswarawada, Tandur,

Ranga Reddy District
2 Kandanelli Sujatha W/o K. Sangameshwar
R/o 6-4-82, Nagareswarawada, Tandur,

Ranga Reddy District

..... PETITIONERS

AND

The Tandur Municipality,

rep by Commissioner, Tandur,

Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the Notice in Roc. No. C/258/2005, dt 10-6-2005 of the respondent herein as illegal and arbitrary and consequently direct the respondent to accord permission for construction of buildings in H. No. 1-8-7 and 1-8-71/ Garibnagar, Tandur Ranga Reddy District by setting a side the said notice dt 10-6-2005 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.BANDI.VENKATAMADHAVA REDDY

Counsel for the Respondent: MR.P.RADHAKRISHNA

The Court at the stage of admission made the following:

ORDER:

Seeking writ of mandamus, declaring the notice in Roc.No.C/258/2005, dated 10.06.2005 issued by the respondent as illegal and arbitrary, the present writ petition is filed.

The petitioners alleged to have purchased the property mentioned in the writ petition in Court auction in E.P.No.6/91 in O.S.No.30/90 on the file of the Subordinate Judge's Court, Vikarabad on 09.07.1991. The petitioners made applications to the respondent, seeking permission to raise constructions in the said property. But the respondent, without considering their applications, issued the impugned notice stating that pending disposal of IA No.182/2005 in O.S.No.79/2001 which was filed seeking impleadment of the petitioners and respondent herein on the file of the Court of the Junior Civil Judge, Tandur, the request of petitioners cannot be considered. Hence the writ petition is filed aggrieved by the action of the respondent.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent.

On a perusal of the entire material available on record, it is find that one Basavarajamma and two others filed O.S.No.79 of 2001 on the file of the Court of Junior Civil Judge, Tandu against the judgment debtors in E.P.No.6/91 in OS.No.30/90 and E.P.No.7/91 in OS.No.31/90 for partition and in the said suit, the plaintiffs therein filed I.A.No.182 of 2005, seeking to implead the petitioners and respondent herein as proposed party defendants, and the same is pending for arguments. It is an admitted fact that no prohibitory orders were passed in the said suit directing the respondent herein not to consider the applications of the petitioner

for permission to construct building in their property.

Having regard to the facts and circumstances of the case, I deem it appropriate to allow the writ petition, with a direction to the respondent to consider the applications of the petitioners for grant of permission to make constructions in their properties, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 30.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

The Tandur Municipality,

Tandu, R.R.District

2. Two CD copies

3. 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

4. 1 CC to MR.VENKATAMADHAVA REDDY

*Form-NIC-OGS/WP{**TRT**}*